

[REDACTED]

September 24, 2013

VIA ELECTRONIC MAIL AND ECF

Hon. Denise L. Cote, United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1610
New York, New York 10007-1312

Re: *FHFA v. HSBC North America Holdings Inc., et al.*, 11-cv-6189 (DLC)

Dear Judge Cote:

On behalf of the HSBC defendants (collectively “HSBC”) in the above-captioned action, we write in response to Plaintiff’s September 20, 2013 letter to Your Honor.¹

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Performance Evaluations. None of FHFA's Requests call for the production of performance reviews. FHFA now claims that this entirely new request is covered by a prior Request for "documents...relating to compensation paid to any employee...." However, although the parties engaged in an extensive meet and confer process relating to compensation, FHFA never raised the issue of performance reviews.

[REDACTED]

As noted above, because the time for document discovery has passed and FHFA has not previously requested such information, HSBC should not be required to undertake a search for an additional category of documents months after the production deadline has passed.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Respectfully submitted,

/s/ John M. Conlon

John M. Conlon

cc: Jonathan B. Oblak, Esq.